

DEPARTMENT OF CONSUMER AFFAIRS
COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF THE OPEN SESSION
NOVEMBER 11, 2004

CALL TO ORDER

Ms. Julie Peak, Chair, called the meeting to order at 4:10 p.m. at the Sheraton Gateway Hotel in Los Angeles.

ROLL CALL

Board Members Present

Julie Peak, Chair
Karen Gotelli, Vice Chair, Public Member
Gary Cramer, CSR
John Hisserich, Public Member

Board Members Absent

None

Staff Present

David E. Brown, Executive Officer
Norine Marks, Staff Legal Counsel

MINUTES

Ms. Peak asked if there were any corrections or additions to the open session minutes of August 27, 2004. Mr. Gary Cramer moved to accept the minutes as presented. Ms. Karen Gotelli seconded the motion; **MOTION CARRIED.**

REPORT OF EDUCATION COMMITTEE

Ms. Peak asked Mr. Ned Branch, Committee member to give a brief report regarding the Education Committee meeting held earlier in the day. Mr. Branch stated two proposals were discussed at the committee meeting regarding school qualifiers. The first proposal was for the board to conduct a pilot project in which students who have completed the academics but have not passed minimum speed qualifiers to sit for the written portions of the board examinations after a predetermined qualifying period. The second proposal was a board administered qualifier in addition to the school qualifiers and comparing the pass rates of the students.

Regarding the second proposal, Ms. Peak stated the public schools were concerned with students failing to complete their AA degrees if the student was able to pass the Board examination. She stated schools recommended possibly limiting the study group to students that are already in qualifiers versus students that are in lower speed levels. Discussion ensued whereupon Mr. Cramer moved for the board to establish a task force to develop a proposal in which students are allowed to take the CSR examination without passing a school administered qualifier after achieving a specified minimum level of competence. Mr. John Hisserich seconded the motion; **MOTION CARRIED.**

Mr. Cramer discussed possible scenarios in conducting board-sponsored qualifiers. Ms. Peak stated the purpose of conducting board-sponsored qualifiers is to collect data to possibly determine why there is a fluctuation in the pass rate. She reiterated that this would be a pilot project only. After further discussion, Mr. Cramer moved to include the concept of the board promulgating board-sponsored qualifiers in addition to the existing requirement for schools to provide qualifiers. This issue would also be delegated to the previously discussed task force. Mr. Hisserich seconded the motion; **MOTION CARRIED.**

Ms. Peak stated anyone who was interested in participating in the task force submit a letter to Mr. David Brown at the board office. Ms. Peak advised the board that she would be stepping down as Chair of the Education Committee and will be Vice-Chair. Mr. Hisserich will be the new Chair of the committee.

Ms. Peak stated the recommendation of the Education Committee was to eliminate the schools' repeat pass rate statistics. The statistics would only document the school's first time examinees and the repeat examinees would be placed in a different reporting category. After a brief discussion, no motion was made on this issue.

ACCESS TO REPORTER'S AUDIO RECORDINGS

Mr. Brown stated the board had received inquiries from court reporters regarding the issue of audio recording and whether or not attorneys should be able to obtain a copy of the audio file. Ms. Peak stated the purpose of this issue being agendized was to make public the legal opinions the board staff had requested from the Department's legal counsel.

LEGISLATION UPDATE SESSION ENDING 2004; SB1914, GC 69950. DISCUSSION ITEMS FOR 2005 SESSION

Mr. Brown stated there were four major proposed changes during last year's session. The first change is to Business and Professions Code (B&P) Section 8027(o), which requires all students to have a disclosure statement on file as of June 2005. The second change to the B&P was to allow the issuance of a temporary license under specified conditions. The third change to the B&P was to have all court reporters report all convictions on their renewal application. Mr. Brown stated the way the law is currently written, the court reporter only has to report convictions that are related to their license. This language was ultimately withdrawn. The fourth change was to legislatively change the wording in Government Code Section 69950 to define a word count for purposes of enforcing possible overbilling on court transcripts. The board received written opposition to the proposal and it was no longer pursued in the last legislative session.

Mr. Cramer provided an overview of possible legislation for the next year:

- Determination of need for ergonomic standards and the application to CSRs.
- Amend Evidence Code Section 751 to include "official" CART reporter
- Review consideration to redact juror's names from transcripts
- Amend Government Code to include definition of 2nd reporter hired by 1st reporter in civil dailies
- Amendments to B&P Code Sections 8024 & 8024.2

Ms. Peak directed staff to write a letter regarding the above mentioned issues to the court reporting associations for input.

- Add/amend codes as needed for examination issues, qualifiers, early entry, timing, etc.
- Review need for continuing education

No direction was needed for the two above issues.

JOINT CSR ASSOCIATION PRESENTATION OF REALTIME CERTIFICATION

Ms. Lynn Yard from COCRA gave a presentation to the board regarding the possibility of Realtime certification. After further discussion by the board, no motion was made on this issue.

PROFESSIONAL CODE OF CONDUCT

Ms. Peak requested Mr. Alfred Knoll, past board member, to provide the board with an update regarding a Professional Code of Conduct. Mr. Knoll stated the board held town hall meetings regarding the need of a professional code of conduct. The committee will now formulate regulatory language to be made available for review at an upcoming board meeting. Mr. Brown stated he had received calls from various associations stating they would like more specific language before making any comments.

CALIFORNIA PERFORMANCE REVIEW (CPR) RECOMMENDATION; ELIMINATION OF THE CSR BOARD

Mr. Brown provided an overview of the draft recommendations from the CPR and possible elimination of the board. He stated the board reviewed the recommendations and sent a letter to the commission, which outlined some of the potential problems with their recommendations. Subsequent to that letter, additional recommendations were proposed which included the national association conducting the state exam for court reporters. Staff then sent another letter to the commission regarding the additional recommendations.

EXECUTIVE OFFICER REPORT: Strategic Plan, Examination Statistics

Mr. Brown provided an overview of the goals listed in the Strategic Plan and exam statistics. Ms. Peak requested staff to schedule a meeting to update the board's strategic plan within the first quarter of 2005.

REGULATION TO ALLOW ISSUANCE OF TEMPORARY LICENSES

Ms. Peak stated the board submitted proposed legislation to allow temporary licenses to be issued to students who have passed the dictation portion of the examination but only need to pass the academic portion. The board now has the authority to grade the written examinations on site and if the examinee passes the remaining portions, a temporary license would be issued. Ms. Peak stated that legal counsel recommended

regulations to enforce the statute. After a brief discussion, Mr. Cramer moved to direct staff to develop regulatory language regarding temporary licenses, notice the proposed regulatory change for 45 days for public comment, and delegated to Mr. Brown the authority to adopt the regulation if no negative comments are received. Ms. Gotelli seconded the motion; **MOTION CARRIED.** Mr. Cramer moved to change the draft language in subsection (c) of the CA Code of Regulations 2451 to read, "...*Such interim permit shall be valid for no more than 45 calendar days, is not renewable, and is automatically revoked.*" Ms. Gotelli seconded the motion; **MOTION CARRIED.**

ATTENDANCE AT STATEWIDE ACTIVITIES

Mr. Cramer stated he attended a school graduation where he gave a speech. Ms. Gotelli stated she attended a Mock Trial meeting in Sacramento. Mr. Brown stated he attended an advisory board meeting at Sage College.

SUNSET REVIEW UPDATES

Ms. Peak provided the board with an update regarding the status of Sunset Review. She stated the hearing was originally scheduled for December 2004 but has been moved to January 2005.

DICTATION EXIT SURVEYS

Ms. Peak stated the board developed an exit survey for examinees to be filled out as they leave the exam. The board compiled the information and it was available for review.

FUTURE MEETING DATES

The next board meeting was scheduled for March 10, 2005 in Los Angeles.

ADJOURN

The Board adjourned the meeting at 6:40 p.m.

JULIE PEAK, Chair DATE

DAVID E. BROWN, Executive Officer DATE